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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,190	08/27/2003	Yusuke Yasukawa	1080.1128	3483
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PATEL, HEMANT SHANTILAL	
			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,190

Applicant(s)

YASUKAWA ET AL.

Examiner

Hemant Patel

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The Applicant response dated January 11, 2006 in response to office action dated September 7, 2005 is entered. Claim 2 is cancelled. Claims 1, 3-6 are pending in this application.

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. The new or modified rejections are necessitated by amendments to claim(s).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita (International Publication No. WO 99/67067), and further in view of Klein (US Patent No. 6,064,303).

Regarding claim 1, Kawakita teaches of a robot including a moving mechanism for causing the robot to move freely, comprising:

a communication section (Fig. 2, item 25) which wirelessly (paragraph 0076, cordless telephone, paragraph 0211, mobile phone) connects to a communication line;

a detection section (Fig. 2, item 20, controller), which detects a plurality of user requests provided by a user (paragraph 0078, 0087-0088, request for visually express different words);

a storing section (Fig. 2, item 20, paragraph 0043, memory in controller) which stores a message (paragraph 0221, response message) and associated telephone number (paragraph 0149, previously registered family or hospital); and

a telephone control section (Fig. 2, item 20, controller) which causes the communication section (Fig. 2, item 25) to dial the telephone number stored in the storing section (paragraph 0149, previously registered family or hospital) in response to the detection section detecting the request (paragraph 0149, detection of absence of reaction) provided by the user, and then delivers the message stored in the storing section (paragraph 0221, response message) as a voice message to a receiver when the receiver responds.

Kawakita does not teach of a plurality of messages respectively associated with the plurality of telephone numbers and the telephone control section dialing a telephone number according to a mode of request detected by the detection section, and delivering a message associated with the dialed telephone number.

However, in the same field of endeavor, Klein teaches of a user (surveillance, "user" defined as "one that uses" according to The American Heritage College Dictionary, 4th edition, ISBN 0-618-45300-8, pg. 1510) using a system with a plurality of messages associated with a plurality of telephone numbers (Fig. 6, item 604, telephone #) and dialing a telephone number according to a mode of request (Fig. 6, item 602,

intruder, fire, vandalism etc.) and delivering a voice message associated with dialed telephone number (Fig. 6, item 606, message, .wav files).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita to include a plurality of telephone numbers with respective plurality of messages as taught by Klein in order to deliver a message specific to a detected event to a responsible called party (Klein, col. 7, ll. 51-52, ll. 62-67, different messages to different destinations to respond to different conditions).

Regarding claim 3, Kawakita discloses a robot, further comprising a microphone (Fig. 1, item 10) and a speaker (Fig. 1, item 11), and wherein the telephone control section causes, after delivering the message to the receiver (Paragraphs 0079 – 0082, transmitting sound and images), the communication section to be in a state of communication using the microphone and the speaker (Paragraphs 0084, staying in video telephone conversation).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita and Klein as applied to claim 1 above, and further in view of Dahlen (US Patent No. 5,870,454).

Regarding claim 4, Kawakita teaches of receiving an email message.

Klein teaches of sending message as part of a voice call or fax.

Kawakita and Klein do not teach of email message.

However, in the same field of endeavor, Dahlen teaches of storing voice message (Fig. 2B, step 270) with associated email destination address(es) (Fig. 2A, steps 244-246).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita and Klein to store voice message and send as an email as taught by Dahlen in order to enable "a voice caller to provide a textual message to a called party" (Dahlen, col. 1, ll. 38-39).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita and Klein as applied to claim 1 above, and further in view of Kataoka (US Patent Application Publication No. 2002/0181723 A1).

Regarding claim 6, Kawakita teaches of a robot, further comprising:

a microphone (Fig. 1, item 10);

a voice recognition section (Paragraphs 0087-0088, recognize speech) recognizing requests (Paragraph 0212); and

a movement control section (Fig. 2, item 20).

Kawakita and Klein do not teach of recognizing that the robot is called based on a voice received by the microphone and moving the robot closer to a speaker who is calling the robot.

However, in the same field of endeavor, Kataoka teaches of a means for controlling a robot to move naturally upon its motion in voice recognition (paragraph 0017).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita and Klein to include a means of moving a robot in response to voice recognition as taught by Kataoka in order to recognize sound of the person being monitored (Kawakita, Paragraph 0147) and move closer to that person (Kawakita, Paragraphs 0148-0149) upon recognition of request (Kawakita, Paragraph 0212).

Allowable Subject Matter

6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5, further directs to a function of dialing a telephone number based on the mode of request and also sending a message to an e-mail address if no response is received to this telephone call.

The closest prior art of record is Kawakita as applied above, which teaches of a robot, wherein the telephone control section (Fig. 2, item 20, thru communication unit) dials a telephone number based on the mode of request (paragraph 0078, keypad input detection, paragraph 0149, detection of absence of reaction).

The other prior art of record is Dahlen as applied above, which teaches of sending a message to an email address.

Kawakita fails to disclose the specific feature of transmitting a message to an email address when receiver does not respond.

The remaining prior art of record fail to teach or fairly suggest substantially modifying Kawakita with this specific feature in order to arrive at the invention claimed in detail by the applicant.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant Patel
Examiner
Art Unit 2645

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